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SUBJECT: BAKU AUTHORITIES REIN IN NAKHCHIVAN THUGS: THE CASE OF THE ARREST OF AN RFE/RL JOURNALIST

REF: A. BAKU 1470
[1B.](#) BAKU 1457
[1C.](#) BAKU 1404

Classified By: Ambassador Anne E. Derse per 1.4 (b,d).

[¶1.](#) (C) Summary: On December 11, RFE/RL correspondent Ilgar Nasibov detailed the confusing sequence of arrests, convictions, searches and detentions surrounding his convictions on criminal defamation charges. It appears that direct intervention from Baku prompted the Nakhchivan authorities to overturn his December 6 conviction and exercise leniency in his December 11 sentencing in a second, separate criminal defamation case. It also appears that Nakhchivan authorities may have been unaware of Ilgar Nasibov's links to RFE/RL and planned the arrest in order to pressure Nasibov and his wife to limit their media and NGO activities. The Nasibovs have reported Nakhchivan leader Talibov's tight control and increasing monopolistic activity in Nakhchivan. Baku's quick reaction likely came as a surprise to Talibov and hints at a shifting balance of power between Heydar Aliyev's Old Guard - including Talibov - and Ilham Aliyev. End summary.

[¶2.](#) (SBU) Emboffs traveled to Nakhchivan December 11 to investigate the prosecution of Radio Free Europe/Radio Liberty (RFE/RL) correspondent Ilgar Nasibov on criminal libel charges, and the related questioning of three other journalists and NGO activists, including his spouse, Malahat Nasibova (reflets). In four hours of meetings, Ilgar Nasibov, Malahat Nasibov, Muhammad Rzayev (who, together with Nasibova runs the Resource Center, the sole meeting place for independent NGOs and opposition political parties), and Elman Abbasov (Nakhchivan correspondent for opposition Bizim Yol newspaper) provided a detailed readout of the confusing sequence of arrests, convictions, searches, detentions, and an appellate court ruling that took place December 6-10 in the isolated exclave of Nakhchivan.

Kangaroo Court Proceedings

[¶2.](#) (C) As reported ref b, Nasibov said that he faced two separate criminal proceedings on December 6. In the first proceeding, Nasibov was tried, convicted and sentenced to three months in prison on criminal defamation charges filed by the Nakhchivan Chief of Police, based on an email that Nasibov said he had sent to President Aliyev's website complaining of the Nakhchivan police's treatment of citizens during the November 4 closure of the central market in Nakhchivan. (Nasibov and his spouse, Malahat Nasibova, had reported on the market closure and accompanying protest by "3,000 Nakhchivan citizens" for Radio Free Europe/Radio Liberty.) Nasibov said that a court-appointed defense attorney was present for this first proceeding on December 6, but that he never received a copy of either the formal charges or the verdict in the December 6 ruling. Nasibov said he was called back to the Court of First Instance later on December 6, and informed that he faced a second criminal complaint, filed by four prominent Nakhchivan residents, including the rector of Nakhchivan State University Isa Habibbeyli, alleging that Nasibov was the author of a May 2006 Azadlig newspaper article on alleged PKK cells at Nakhchivan State University. Nasibov said that, based on his request to have a Baku-based attorney present at the second trial, the judge postponed the hearing until December 10.

[¶3.](#) (C) When Nasibov's Baku-based attorney arrived in Nakhchivan on December 10, the presiding judge requested that he immediately file an appeal of Nasibov's December 6 criminal defamation conviction. According to Nasibov, the judge told the lawyer that, because the judge was leaving on vacation on December 11, the lawyer needed to expedite the process. Nasibov said that his lawyer, with the assistance of the judge's secretary (who reportedly laughed in disbelief when told that the judge said he was going on vacation the next day), immediately prepared a written appeal, which was sent by courier to the Supreme Court of Nakhchivan, which is

the sole appellate court in the Autonomous Republic. Nasibov was then summoned to appear at court at 3:00 pm for a hearing on the second criminal defamation charges filed by Rector Habibbeyli and other prominent Nakhchivan residents named in the Azadliq newspaper article. Nasibov said the hearing, which he described as "closed," began with a surprise

announcement by the judge that the Nakhchivan Supreme Court had overturned his December 6 conviction because the Nakhchivan police chief had withdrawn his criminal complaint against Nasibov. "And because the police chief is such an upstanding citizen," the judge continued, according to Nasibov, "I have decided to exercise leniency in my sentencing in this (other) case." And with that, according to Nasibov, the judge issued a one-year suspended sentence, and Nasibov was released to his family. The Naibovs said they heard from a reliable source at the court that the suspended sentence may also be overturned.

Searching for "Evidence"

¶4. (C) Malahat Nasibova reports that, following Ilgar Nasibov's December 6 conviction in the first criminal libel case, 20 police officials arrived at the Nasibovs' home around 8:00 pm with a warrant authorizing them to search the home for evidence regarding the second criminal defamation case. After approximately two-and-a-half hours, the police ended the search and, according to Nasibova, removed a computer, a camera, CDs, and several disks from the home. Nasibova said that the police, contrary to Azerbaijani legal requirements, did not give her a copy of the warrant or a list of the items taken during the search.

¶5. (C) Between midnight and 0100 on the night of December 6-7, Nasibova said that she was informed by a phone call from a relative of her landlord that police had entered and were searching the Resource Center, an NGO that she runs with other human rights activists. Nasibova said that she was not presented with a warrant for that search and that no one from the Resource Center was present during the search. (Comment: Although Nasibova did not receive a warrant for this search; it is unclear whether the owner of the building was presented with a warrant.) Nasibova said that friends and neighbors reported that police removed computers, books and equipment from the center, but that she did not try to enter the center until December 11, when emboffs met her at the Center. Nasibova added that she was afraid to enter the center without international observers present. After a tour of the center, Nasibova said that books, computers, information regarding HIV/AIDS and drug abuse, condoms and syringes appeared to have been removed from their normal places at the center. Boxes and bags of property from the center were piled in the children's playroom. From a cursory look through the property, Nasibova and Rzayev said that it appeared that most of the key equipment -- computers and scanners -- reportedly taken by police appeared to have been returned, although nearly a third of the condoms and some of the syringes were missing. Nasibova said they intended to file a complaint with the police regarding the conduct of the search.

¶6. (C) Nasibova said that, at approximately 11:30 am on December 7, she received a call from Elman Abbasov's wife indicating that he had been called into the Ministry of Internal Affairs (MIA) for questioning regarding the case. When Nasibova and Rzayev set off for the MIA to learn more, they were intercepted by plainclothes police officers who invited them to the MIA for questioning. During a "polite" 50-minute session, Nasibova and Rzayev said they were "pressured" to sign documents stating that all of the proper procedures were followed during the December 6-7 search of the Resource Center.

¶7. (C) According to Elman Abbasov, MIA officials searched his home on December 11, without a warrant, and removed his computer, CDs, and books on democracy and NGO building. Abbasov said the police did not give him a list of items removed from his home, as required by Azerbaijani law. Abbasov said he was detained for nearly eight hours of questioning on December 11, focused entirely on MIA efforts to determine whether Ilgar Nasibov had written the May 2006 Azadliq article alleging that PKK cells exist in Nakhchivan. Prior to his release, Abbasov said he was forced to sign a statement pledging that he would not leave Nakhchivan City for an unspecified period.

¶8. (C) During his interrogation, Abbasov said that MIA officials presented him with a copy of an email from Nasibov, in which Nasibov forwarded the Azadliq newspaper article and asked whether Abbasov thought this was an issue worth

investigating. Abbasov and Nasibov told emboffs that they did indeed have a similar email exchange several months ago. Both Abbasov and Nasibov denied any involvement in the article or any links to Azadliq newspaper, noting that their close friend and associate Mahammad Rzayev is the Azadliq newspaper correspondent in Nakhchivan and that they would "never take bread from him" by working for Azadliq newspaper. They added that the article in question was published with a byline of "information from Azadliq analytical sources" and that most of the information regarding Nakhchivan came from Turkish sources. Nasibov also said that he had recently received an anonymous package at his front door containing a disk, which he opened at an internet cafe in order to prevent his personal computer from being infected with viruses; the

disk, according to Nasibov, contained copies of the Azadlig newspaper article.

Why was Nasibov Arrested?

¶ 9. (C) The Nasibovs believe that Ilgar Nasibov was arrested in effort to quell independent voices in Nakhchivan and to force them to leave Nakhchivan. Malahat Nasibova noted that only a handful of news agencies have correspondents in Nakhchivan and, of that group, only the Nasibovs, Abbasov and Rzayev attempt to run stories that touch on Nakhchivan ruler Vasif Talibov's tight control and monopolistic economic activities. Both Ilgar Nasibov and Malahat Nasibova say that they have received hints over recent months of a looming government set-up. Nasibova said that she has received threatening phone calls from Tabriz, Iran, that she believes actually were made by Talibov supporters; she also points to her recent detention at Nakhchivan airport as evidence that the authorities have her in their sights. Nasibov added that he and his wife have been under regular pressure over the last five years, subjected to slanderous attacks in pro-government newspapers that identified them as "Norwegian and U.S. spies." Just one month ago, Nasibov said, he received an anonymous tip that "compromising material" was being prepared that would put him in jail for 15-30 days. The Nasibovs also noted that the Resource Center provides the only venue for independent NGOs and opposition political parties to meet in Nakhchivan. They fear that Nasibov's arrest will prompt their landlord to evict them.

¶ 10. (C) In three separate conversations with Pol/Econ Chief, Nakhchivan MFA official Ali Alizade claimed that the Nakhchivan authorities had "no problem with" and were unaware of Ilgar Nasibov's work with RFE/RL. Alizade said that Nasibov was arrested due to his involvement in an Azadlig newspaper article detailing alleged PKK cells at Nakhchivan State University. Alizade said the article was "damaging" to Azerbaijan's international relations and "violated the human rights" of Nakhchivan citizens named in the article. Alizade said Nasibov had a long history of criminal defamation; this latest accusation was "just another drop in the pot." In a December 11 meeting, Alizade said now that the Nakhchivan authorities were aware of Nasibov's relationship with RFE/RL, they were concerned that he was not properly accredited with the Foreign Ministry. Alizade also said the authorities had evidence that "these people are not paying their taxes."

Nakhchivan as "North Korea?"

¶ 11. (C) Opposition activists delight in calling Nakhchivan "the North Korea of Azerbaijan." While long-time leader Vasif Talibov's control over society hardly compares to that of Kim Jung Il, Nakhchivan has a decidedly more isolated and more controlled feel than the rest of Azerbaijan. Law-and-order definitely prevails in the small capital city, where crumbling Soviet facades are being covered by shiny, pastel siding and extravagant marble facades. Taxi drivers, required to wear ties and name tags or face stiff fines, are being forced to replace older Russian-made sedans with 2006 or 2007 models, which reportedly are sold only by Talibov and his brother. Broad avenues are marked by glinting new reflectors and swept throughout the day by armies of babushkas as uniformed officials from an array of security services keep watch. Turkish Consul General Mehmet Bilir commented that Nakhchivan seems to be receiving a large amount of Azerbaijan's energy revenues, as public works projects are being completed at a frenetic pace and the

Nakhchivan authorities are launching new economic development plans. Bilir added that Vasif Talibov has a tight control over this economic development and is working actively to channel funds to his own extensive holdings. He also commented that nothing in Nakhchivan happens without Talibov's approval. He noted that Turkey's main interest in Nakhchivan is strategic and that he does not closely follow human rights issues or meet with human rights activists.

Comment

¶ 12. (C) Based on the Nasibovs' history of working to promote independent voices within Nakhchivan, as well as their efforts to publication of stories that paint a less-than-flattering vision of Nakhchivan leader Talibov, the Nasibovs' assessment that Ilgar Nasibov was arrested in an effort to squelch their activities is plausible. We also note that it follows the Ambassador's November 7 meeting with them and other press and NGO representatives (ref c). Although Nasibov currently is employed by RFE/RL, it appears that Azerbaijani officials -- including Talibov's staff -- were not aware of Nasibov's links to RFE/RL. Nasibov is a photographer and cameraman by trade, and only joined RFE/RL three months ago. His wife, Malahat Nasibova, however, is a long-time RFE/RL employee and seems to be known by the Azerbaijani authorities as such. Given the current climate of GOAJ crackdowns on independent and opposition journalists, Talibov -- who has been "unavailable" to speak to Embassy officials on this matter -- likely thought the Nasibov case would simply be added to the list of imprisoned journalists and would raise no objections from Baku, if he considered the matter at all.

¶ 13. (C) Baku's quick and sharp reaction to this case seems to have caught Nakhchivan officials by surprise, and the

judge's December 10 rulings indicate that Nakhchivan authorities are indeed now taking orders directly from Baku to resolve this situation. Ramiz Mehdiyev told the Ambassador December 8 that Nasibov would be released on December 10. Talibov -- formerly viewed as an untouchable figure due to his ties to Baku given his indispensable role in helping Heydar Aliyev return to power -- likely is smarting from this unprecedented, public rebuke from Baku. The incident seems to speak to the shifting power relationships between Heydar Aliyev's Old Guard and Ilham Aliyev.

¶14. (C) Nasibov's quick release is the first positive development we have seen in the GOAJ's stance on the media in recent months. We should take advantage of the opening presented by this case, and press for concrete steps now to improve Azerbaijan's negative media environment.

Presidential Advisor Fuad Alasgarov said a paper is being prepared with recommendations for an event between the President and the media in January to begin to defuse tensions (ref b). We applauded this idea (first discussed with Apparat Foreign Relations Advisor Mammadov and Ramiz Mehdiyev last summer) and offered all assistance. The Ambassador is seeking meetings with Foreign Minister Mammadyarov and President Aliyev and will offer our support for this initiative.

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